

ENABLING ENVIRONMENT FOR PROFESSIONAL MEDIA IN PAKISTAN



Analysis of Media Regulatory Framework in Pakistan

Agenda for Media Reforms

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INTRODUCTION

Freedom of expression is a cornerstone of democracy and an underpinning of all other rights and freedoms. Put differently, democracy can only flourish where free speech rights are respected. Freedom of expression is not only essential for participation but it also represents a basic human good, inasmuch as it promotes the search for the ‘truth’, social tolerance, the exchange of cultural goods and various forms of entertainment. While it is universally recognised that the right to freedom of expression is not absolute, any restrictions should be narrowly defined and proportionate to the goal of protecting important public and private interests.

In Pakistan, however, in many respects freedom of expression remains unduly limited across all of the main communication mediums. Repressive laws that were put in place during the colonial period have been preserved and expanded by the ruling elites in Pakistan since independence. Although there have been some moves to reform the regulatory environment for the media, on balance the picture remains one of excessive government control and undue restrictions on what may be said, printed or broadcast.

To address these problems, a number of groups – led by IMS, IRADA and PIPS – have assembled a Media Reforms Agenda Experts Committee, composed of leading local experts on media reform needs, and have worked with the Experts Committee to compile this Charter of the Agenda for Media Reforms.

As background to the process, a Compendium on Media Legislation was compiled which provides a detailed analysis of the environment for media reform broken down according to the main relevant thematic areas. The Compendium and the initial conclusions adopted by the Experts Committee were discussed at an International Conference on Media Regulation – Challenges and Reforms, held in Islamabad on 21 July 2016. A set of recommendations were then finalised by the Experts Committee and this Charter of the Agenda for Media Reforms was adopted by the Experts Committee.

This Charter, which draws on the Compendium (it uses the same chapter headings as the Compendium) and which presents the recommendations of the Experts Committee, provides a brief overview of the main problems in the legal and policy framework in different areas. These are organised thematically – for example looking at regulation of journalists, regulation of the print media and content restrictions – by chapter. It then presents the recommendations of the Experts Committee for reform, as supported through the International Conference. As such, it puts forward a set of reform proposals which are based on solid research and analysis, and which have garnered wide support among different sectors of Pakistani society.

The Charter is intended to be used by reformers in Pakistan to push for needed amendments to the legal and policy framework within which the media operates. It is understood that this is a longer term project, and that not all reforms can be achieved immediately. However, all of the recommendations in this Charter represent areas where Pakistani law and practice diverges from international standards and, arguably, Articles 19 and 19A of the Pakistani Constitution guaranteeing, respectively, freedom of speech and the right to information. As such, reforming those laws and practices will remain an urgent priority until all of the reforms have been achieved.

CHARTER OF THE AGENDA FOR MEDIA REFORMS

– Key Challenges and Solutions

The following is a consolidation of the key findings and recommendations from each of the chapters of the compendium on media legislation “ENABLING ENVIRONMENT FOR PROFESSIONAL MEDIA – Analysis of Media Regulatory Framework in Pakistan and Agenda for Media Reforms”

Key Problems/findings	Recommendations	Stakeholders
CHAPTER 1. MEDIA REGULATORY FRAMEWORK: INTERNATIONAL STANDARDS AND BEST PRACTICES		
CHAPTER 2. FREE SPEECH - CONSTITUTIONAL FRAMEWORK OF PAKISTAN <i>Comparing with international/regional standards of free expression</i>		
2a. Freedom of expression (FOE), as defined in Article 19 of the Constitution, is restrictive and falls short of international FOE standards.	2a. Article 19 should be revisited with a view to narrowing restrictions and reflecting official commitments made by the State of Pakistan, including in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).	2a. Federal government, parliament, political rights, civil society, representative associations of media owners and workers, and media support groups
2b. Contempt provisions as defined in Article 204 of the Constitution restrict free speech and fair comment.	2b. Constitutional provisions governing contempt and contempt of court laws should be reviewed so as to limit discretion in favour of free speech.	2a. Federal government, parliament, political rights, civil society, representative associations of media owners and workers, and media support groups
2c. Laws and provisions discouraging free speech impair pluralism.	2c. Undue restrictions in the legal framework for free speech should be removed and provisions relating to pluralism and freedom of expression in the Constitution should be proactively enforced.	2c. Federal government, representative associations of media workers and media owners, civil society organisations, lawyers and media support groups
CHAPTER 3. JOURNALISTS’ RIGHTS <i>Employment, working rules, jobs, safety regulations, source protection, rules and systems of accreditation</i>		
3a. Specific labour law regime relating to working journalists [Newspaper Employees Condition of Service Act, (NICOSA) 1973] is restricted to the print media and is outdated.	3a. Relevant federal and provincial labour and related laws should be reviewed by a law reforms commission and amended to: (i) bring them into line with modern standards on employment, compensation and human	3a. Federal and provincial governments, representative associations of media owners and media workers, lawyers and media support groups

	resource development, including standard contracts and in-house professionalism trainings; (ii) embrace the post-18th Amendment devolution framework (both federal and provincial legislation); and (iii) extend them to print, electronic and online media.	
3b. There are no clear legal rules regarding protection of sources.	3b. The law of evidence should be reviewed and provisions on source protection for journalists should be introduced into this body of law in line with international law and best practices.	3b. Federal government, representative associations of media workers, media owners, judiciary, lawyers and media support groups
3c. There is no legal protection for whistleblowers.	3c. A whistleblower protection law should be adopted which provides protection against sanction for those who expose wrongdoing.	3c. Federal government, representative associations of media workers and media owners, civil society organisations, lawyers and media support groups
3d. There are high levels of impunity in cases of attacks or threats of attacks against journalists and no special legal measures or frameworks to address this.	3d. Special rules should be put in place – of both a legal and policy nature – which provide for the establishment of special prosecutorial offices in Islamabad and the four provincial capitals to investigate cases of attacks against journalists and media houses, to institute legal cases against those responsible and to expedite prosecution. These offices should benefit from guaranteed adequate annual budgets for the prosecutors.	3d. Federal and provincial governments, national and provincial legislatures, political parties, representative associations of media workers and owners, UN, media support groups and civil society
3e. Media houses have generally failed to put in place adequate systems for protecting media workers against attacks and threats of attacks, especially for those reporting from conflict areas and who are otherwise subject to pressure and coercion. This includes: (i) inadequate training and access to equipment; (ii) poor information sharing and security alert systems; and (iii) absence of support resources.	3e. Media houses should have defined safety policies for all media practitioners that offer: (i) specialised training (e.g., conflict sensitive journalism), including physical and digital security training, and access to appropriate security equipment; (ii) an administrative threat response and security alert mechanism providing liaison and coordination between representative platforms of media practitioners and local security authorities; and (iii)	3e. Federal, provincial and district governments, representative associations of media workers and owners, and media support groups

	systems to provide adequate support to media practitioners most at risk, including emotional well-being care, insurance and compensation schemes.	
3f. The system of accreditation for journalists is not professionally designed or managed.	3f. A policy should be adopted which provides for clear, fair and uniform system of accreditation for journalists across Pakistan.	3f. Representative associations of media workers and owners, and media support groups

CHAPTER 4. PRINT MEDIA REGULATEIONS

Provisions in general laws affecting the print media as a sector

4a. Registration, declaration and renewal processes amount to informal licensing and even prior censorship while the executive is vested with expansive powers to investigate, search, seize and destroy publications without judicial oversight or authorisation.	4a. The registration regime of print publications should be drastically simplified to the following principles: (i) the system of declarations should be done away with. Registration should be transformed into a purely technical process requiring no permission and no executive discretion to refuse registration; and (ii) the system should be overseen by the general registrar of companies. At a minimum, the executive should not exercise any regulatory power over the media and any body that does should be protected against political interference.	4a. Federal and provincial governments, representative associations of media workers and owners, civil society and media support groups
4b. Prior restraints and disproportionate criminal and civil restrictions on the content of what is allowed to be published continue to apply.	4b. All laws which impose restrictions on the content of what may be published should be reviewed and amended to bring them into line with international standards.	4b. Federal and provincial governments, representative associations of media workers and owners, civil society and media support groups
4c. Lack of a central code of ethics for media and an ineffective and insufficiently transparent complaints mechanism to deal with public complaints about print media content.	4c. A national dialogue with key stakeholders should be held to reform the system of complaints so as to create an appropriate and effective mechanism (whether self-regulatory or co-regulatory nature). This new mechanism should include a central code of conduct to be developed for and endorsed by the media sector.	4c. Representative associations of media workers, managers and owners, and media support groups
4d. Unrealistic limitations on ownership, cross-ownership and foreign ownership of the media.	4d. The rules in this area should be reviewed and amended so as to provide for a realistic system for preventing undue concentration	4d. Federal and provincial government, representative associations of media

	of media ownership and undue foreign ownership while allowing for investment in and growth of the sector.	owners and workers, civil society, media support groups and lawyers
CHAPTER 5. PRIVATE SECTOR BROADCASTING <i>Regulatory structure, licensing, oversight, ownership, competition, digitalization, diversity/pluralism</i>		
5a. PEMRA lacks the independence required under international law of bodies which regulate the media in terms of both its members and its organisational structure.	5a. The structure and membership of PEMRA should be substantially revised so that it is structurally and functionally independent of the executive as well as of commercial media outlets (with representation of key stakeholders and professionals, and including gender and minority group representation), including, among other things, by putting it under parliamentary oversight.	5a. PEMRA, federal government, representative associations of media owners and workers, media support groups and civil society
5b. The reservation of the terrestrial space exclusively for the State broadcasters and the failure to take advantage of the opportunities offered by the digital transition.	5b. The process of switching over to digital broadcasting should be continued with the support of an appropriate legal and policy environment, and the airwaves should be opened up to private broadcasters.	5b. PEMRA, federal government and media support groups
5c. Excessive restrictions on the content of what may be broadcast, along with unduly heavy-handed application of these rules.	5c. The rules on content should be reviewed and amended so as to bring them into line with international standards in this area, including by removing vague and unduly intrusive restrictions. The possibility of a co-regulatory system for content-related complaints should be explored.	5c. PEMRA, federal government, representative associations of media owners and workers, civil society and media support groups
5d. The rules fail to provide adequate protection against possible abuses of dominant positions of media owners in broadcasting.	5d. Clear and specific anti-competition or undue concentration of media ownership rules should be developed, including in relation to foreign ownership of the media.	5d. Competition Commission, PEMRA, federal government, representative associations of media owners and workers and media support groups
5e. Undue self-allocated government quota on air time and lack of adequate community access to air time.	5e. The power of the government to provide for the allocation of 10% of the total air time of networks should be done away with and instead this time should be allocated to community interest groups representing marginalised segments of society (such as	5e. Federal government, PEMRA, representative associations of broadcasters and media workers, consumer groups, civil society and

	children, women, minorities, persons with disabilities, etc.).	media support groups
5f. An absence of appropriate rules to promote media diversity, including the licensing of community broadcasting, leading to a lack of community-owned broadcast media.	5f. The rules regarding licensing should be reviewed to ensure that appropriate safeguards are included to promote media diversity. As part of this, the rules should provide for a system for licensing community broadcasters, in particular community radios, and to ensure an equitable reservation of frequency for this broadcasting sector.	5f. Federal government, PEMRA, civil society, representative associations of special interest community groups and media support groups

CHAPTER 6. PUBLIC SECTOR BROADCASTING

Principles of public service broadcasting, Pakistan's public service broadcasters (PTV, PBC, APP) – independence, mandate, public funding, transparency

6a. Independence: Public sector media comprising Pakistan Broadcasting Corporation (PBC), Pakistan Television (PTV), Shalimar Recording and Broadcasting Company, (SRBC) and Associated Press of Pakistan (APP) are under firm government ownership and control, including editorial control. PBC and APP are statutory bodies while PTV and SRBC are public limited companies.	6a. All public sector media should be regulated by a law which is guided by best practice principles regarding public service broadcasting. The law should effectively protect public sector media from government control and guarantee their editorial interference by ensuring that oversight is undertaken by parliament.	6a. Government, parliament, political parties, PBC, PTV, SRBC, APP, civil society and media support groups
6b. Mandate: The stated mandates of all public sector media are vague and open to wide interpretation.	6b. The mandates of all public sector media should be set out in clear, concise language in law, based on principles of public sector media. There should be guaranteed compliance with these mandates and principles.	6b. Federal government, parliament, political parties, PBC, PTV, SRBC, APP, civil society, media support groups
6c. Funding: The public sector media suffer from acute dependence on government funding, undermining its independence.	6c. Funding and budget of all public sector media should be delinked from administrative and editorial controls, while arbitrary withdrawal or reduction in funding should be prohibited.	6c. Federal government, parliament, political parties, PBC, PTV, SRBC, APP, civil society, media support groups
6d. Accountability: The public sector media are not subject to uniform, effective mechanisms of transparency and accountability.	6d. All public sector media should have uniform, effective mechanisms of transparency and accountability, including mandatory annual reporting to the parliament and audits of their accounts by independent,	6d. Federal government, parliament, political parties, PBC, PTV, SRBC, APP, civil society, media support groups

	approved auditors. Independent advisory councils should be established for these sarkari media to provide direct audience feedback, and complaints systems established to deal with public complaints.	
6e. Pluralism: Lack of clear policy and consistent practice promoting pluralism.	6e. A uniform policy for all sarkari media should be drafted and adopted guaranteeing accommodation of pluralism including the allocation of a specified percentage of airtime and space for community interest groups representing marginalised segments of society (such as children, women, minorities, persons with disabilities, etc.).	6e. Federal government, parliament, political parties, PBC, PTV, SRBC, APP, civil society, media support groups

CHAPTER 7. MEDIA CONTENT REGULATIONS

Offline, online, on air (electronic and print media and internet) content restrictions, defamation, penal provisions, contempt, code of conduct

7a. Censorship: Broad, vague content restrictions, including in laws, from both the colonial and post-colonial periods unduly limit what can be published, broadcast or communicated online.	7a. A wide-ranging review of all content restrictions in different laws should be conducted and these restrictions should be repealed or amended, as necessary, to bring them into line with international standards.	7a. Federal government, parliament, political parties, representative associations of media owners and workers, civil society, Law and Justice Commission of Pakistan and media support groups
7b. Contempt: The contempt of court law unduly restricts fair commentary on judicial processes, court judgements and conduct of judges.	7b. The contempt laws should be reviewed to remove arbitrariness in favour of free speech.	7b. Federal government, parliament, political parties, representative associations of media owners and workers, civil society, Law and Justice Commission of Pakistan and media support groups

CHAPTER 8. MEDIA INTERMEDIARIES – TELECOM and INTERNET

Structures, internet access, online free speech, online censorship

8a. Jurisdiction: Overlap in the regulatory jurisdictions of Pakistan Electronic Media Regulatory Authority (PEMRA) and Pakistan Telecom Authority (PTA) create regulatory confusion.	8a. The roles and responsibilities of both regulators should be re-examined to clarify regulatory boundaries and duties, while ensuring freedom of expression, right to information, right to privacy and data protection.	8a. PEMRA, PTA, Internet Service Providers Association of Pakistan (ISPAK), telecom companies, Ministry of Information
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		Technology, Ministry of Information and Broadcasting, civil society, digital rights groups, representative associations of media owners and workers, and media support groups
8b. Protections: Multiple laws in Pakistan authorize surveillance, interception and filtering of communications / content that impose restrictions on fundamental rights including freedom of expression (FOE), the right to information (RTI) and the right to privacy. These laws include: (i) The Telegraph Act 1885; (ii) The Pakistan Telecommunications [Reorganization] Act 1996; (iii) The Electronic Transaction Ordinance 2002; (iv) The Investigation of Fair Trial Act 2013; and (v) The Federal Investigation Agency [FIA] Act 1974.	8b. All laws in Pakistan authorizing surveillance, interception and filtering of communications / content should be amended to ensure they are not in contravention of fundamental rights enshrined in the constitution.	8b. Parliament, political parties, federal government, PTA, ISPAK, Ministry of Information and Technology, representative associations of media owners and workers, civil society, digital rights groups and media support groups
8c. Autonomy: PTA is not sufficiently independent and lacks adequate protection against interference in the exercise of its powers by official actors who retain executive discretion to intervene in the operation of telecom service providers.	8c. The PTA Act should be amended to provide strong protections against executive interference in the work of PTA, leaving all regulatory functions in the hands of the regulator alone.	8c. PTA, ISPAK, telecom companies, Ministry of Information Technology, civil society, digital rights groups and media support groups
8d. Misuse of technology: Modern filtering and surveillance technologies can be dual purpose and help the authorities, and especially government and security authorities, to unlawfully spy on citizens and filter content in violation of fundamental rights.	8d. The sale of dual purpose technologies that can be maliciously used for surveillance and filtering by end users should be regulated against unlawful use.	8d. Federal government, PTA, ISPAK, Ministry of Information and Technology, civil society, digital rights groups and media support groups
8e. Digital rights: Existing and proposed new laws, including the Prevention of Electronic Crimes [PEC] Act 2016, relating to curbing cybercrimes contravene free speech and privacy rights, and vest too much power in the	8e. All such laws, including the proposed PEC Act, should be restricted in scope to electronic/cybercrimes and security of information infrastructure and should not adversely impact RTI. Their	8e. Federal government, PTA, ISPAK, FIA, Ministry of Information and Technology, civil society, digital rights groups and media

executive to criminalise online speech.	application should be subject to judicial oversight instead of executive fiat. Laws should be enacted to provide for the establishment of privacy commissions to protect privacy rights and data protection.	support groups
8f. Online censorship: The authorities retain the power to impose complete bans on websites, including social media platforms such as Facebook and YouTube.	8f. All laws, including PTA Act, should disallow any blocking of websites except in accordance with a court order issued pursuant to a legitimate law in line with international standards.	8f. Federal government, PTA, ISPAK, Ministry of Information and Technology, civil society, digital rights groups and media support groups
8g. Fair competition: There is no level playing field or competitive telecom and cyberspace regulatory framework. The system gives one actor, the Pakistan Telecom Co Ltd (PTCL), power over its competitors, through its control of the Pakistan Internet Exchange (PIE).	8g. The role of PIE as a central clearinghouse for all telecom traffic should be abolished. Control over central clearinghouse functions should be vested in an independent PTA rather than PTCL.	8g. Federal government, PTA, ISPAK, PTCL, Ministry of Information and Technology, civil society, digital rights groups and media support groups
CHAPTER 9. ACCESS TO INFORMATION <i>Right to information legal framework, secrecy, whistleblower protection</i>		
9a. Federal-level RTI: At the federal level, there is an FOI [<i>freedom of information</i>] law rather than RTI [<i>right to information</i>] law, which fails to measure up to international standards.	9a. The law at the federal level should be replaced with a proper RTI law in line with Article 19A of the Constitution and international standards.	9a. Federal government, civil society, representative associations of media owners and workers and media support groups
9b. Provincial-level RTI: While Khyber Pakhtunkhwa and Punjab provinces have proper RTI laws in place, Balochistan and Sindh provinces have weak FOI laws, which fail to measure up to international standards.	9b. The FOI laws in Balochistan and Sindh provinces should be replaced with proper RTI laws in line with Article 19A of the Constitution and international standards.	9b. Provincial governments, civil society, representative associations of media owners and workers, information commissioners of Khyber Pakhtunkhwa and Punjab, and media support groups
9c. Other regional level-RTI: No RTI law have been put in place for Federally Administered Tribal Areas and Provincially Administered Tribal Areas (FATA/PATA), Azad Kashmir (AJK) and Gilgit-Baltistan.	9c. Proper RTI laws should be enacted in line with Article 19A of the Constitution and international standards.	9c. Federal, provincial and regional governments, civil society, representative associations of media owners and workers, information commissioners of Khyber Pakhtunkhwa and Punjab, and media support groups

9d. Secrecy laws are an impediment to the effectiveness of RTI laws and the sharing of information in all provinces and regions in Pakistan.	9d. Secrecy laws should be reviewed and amended to bring them into line with the standards in the new transparency laws and international standards in this area.	9d. Federal, provincial and regional governments, civil society, representative associations of media owners and workers, information commissioners of Khyber Pakhtunkhwa and Punjab, and media support groups
9e. The extent of digitisation of records by public bodies is low and there is limited proactive disclosure of information by them, especially online. There are no legal provisions for regions other than Khyber Pakhtunkhwa and Punjab provinces in the whole of Pakistan for proactive disclosure of information.	9e. Public bodies in all territories of Pakistan should allocate more resources to the digitisation of records while central authorities should adopt clear policies in this area and also provide support to public bodies to achieve this task. Territories in Pakistan other than Khyber Pakhtunkhwa and Punjab should incorporate provisions on proactive disclosure into their RTI laws.	9e. Federal, provincial and regional governments, civil society, information commissioners of Khyber Pakhtunkhwa and Punjab, and media support groups

Chapter 1. MEDIA REGULATORY FRAMEWORK: INTERNATIONAL STANDARDS AND BEST PRACTICES

International law provides for strong guarantees for the rights to freedom of expression and to information, in particular in the form of Article 19 of the *Universal Declaration of Human Rights* (UDHR),¹ which is considered to be the flagship statement of international human rights, and Article 19 of its companion document, the *International Covenant on Civil and Political Rights* (ICCPR),² a legally binding treaty ratified by 168 States as of October 2016, including Pakistan. Article 19 of the UDHR states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Importantly, this right protects not only speakers ('impart') but also listeners and viewers ('seek' and 'receive'). This provides the jurisprudential underpinning for many of the most important characteristics of the right, including the idea of media diversity.

It is recognised that the right to freedom of expression is not absolute, but restrictions must meet the strict three-part test established in Article 19(3) of the ICCPR. This requires any restriction to be provided for by law, to protect one of the interests listed in that article (namely respect for the rights and reputations of others, or protection of national security, public order, public health or morals), and to be necessary to protect that interest. Courts have identified three aspects of this third part of the test. **First**, restrictions must be carefully designed to protect the interest and not be arbitrary or unfair. **Second**, restrictions must impair the right as little as possible (sometimes referred to as 'overbreadth'). **Third**, restrictions must be proportionate in the sense that the likely negative effect of the restriction on freedom of expression is not greater than its beneficial impact on the legitimate aim which is sought to be protected.

The right to freedom of expression, as interpreted by international courts and other authoritative sources, has important implications for all of the thematic issues discussed in this Charter. It is beyond the scope of this Charter to present these standards in detail. For those who are interested, the relevant standards are elaborated on in the first chapter of the Compendium.

¹ UN General Assembly Resolution 217A(III), 10 December 1948. Available in various languages at: <http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>.

² UN General Assembly Resolution 2200A(XXI), 16 December 1966, in force 23 March 1976. Available at: www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

Chapter 2. FREE SPEECH – CONSTITUTIONAL FRAMEWORK OF PAKISTAN

Article 19 of the Constitution of Pakistan guarantees freedom of speech, including freedom of the press. Although the courts have often made strong statements in favour of free speech, in terms of restrictions the language of the Constitution is broader than international law, especially inasmuch as it protects the glory of Islam, the integrity of Pakistan, decency and contempt of court. Arguably, the standard for restrictions in the Constitution – namely “reasonable restrictions” – is also less stringent than the necessity standard imposed under international law.

When it comes to protecting the courts under contempt of court laws, courts have often been unduly protective of their own activities and have either imposed themselves or allowed for undue restrictions on freedom of the media. Courts have often also been unduly deferential when the notion of national security has been raised.

The introduction of Article 19A to the Constitution, protecting the right to information, was an important development and, so far, courts have generally interpreted it quite strongly in favour of transparency. However, a number of legal rules remain in place which run counter either to Article 19A or Article 19.

Finally, the language of the Constitution does not lend itself easily to the idea of promoting pluralism in the media, which, as noted above, is a key element of the wider notion of freedom of the media, including the rights of listeners, readers and viewers.

Recommendations:

- **2a. Narrowing restrictions:** Article 19 should be revisited with a view to narrowing restrictions and reflecting official commitments made by the State of Pakistan, including in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).
- **2b. Limiting discretion:** Constitutional provisions governing contempt and contempt of court laws should be reviewed so as to limit discretion in favour of free speech.
- **2c. Positive measures:** Undue restrictions in the legal framework for free speech should be removed and provisions relating to pluralism and freedom of expression in the Constitution should be proactively enforced.

Chapter 3. JOURNALISTS' RIGHTS

Journalists and media workers are the foot soldiers of free speech and it is essential to create a supportive framework for them to exercise their profession in the public interest. Although there is labour legislation in place for those working for the print media sector – which the courts have generally upheld in contentious cases – it is limited in scope to the print media sector and it is also very outdated taking into account the massive changes that have affected the media since those rules were adopted in 1973.

It is positive that Pakistan does not have laws which require the licensing or even registration of journalists. At the same time, there are problems with the system for accreditation of journalists. Specifically, there are no clear standards for granting accreditation which, as a result, remains largely at the discretion of the accrediting body (i.e. often government).

Pakistan lacks rules on the right of journalists to protect the secrecy of their confidential sources of information, and instead there are general obligations to report on crimes to the police, which fail to recognise any exception for journalistic sources. Pakistan also lack any legislation providing for protection for whistleblowers.

These problems pale, however, in comparison to the insecurity faced by journalists and other media workers in Pakistan, which has become one of the most dangerous countries in the world for journalists. Despite the massive problems, the country still lacks any proper systems of protection. Although there are a number of ongoing initiatives to introduce legislation in this area – focusing both on combating impunity for perpetrators and on providing protection for those at risk – so far none of these has come to fruition.

At the same time, media outlets have generally failed to put in place adequate systems for protecting their workers against attacks and threats of attacks. Possible measures, all of which need to be far more widely available in the country, include: (i) training opportunities; (ii) access to appropriate safety equipment; (iii) information sharing and security alert systems when attacks occur or threats materialise; and (iv) wider support resources, such as rehabilitation and other social benefits. .

Recommendations:

- **3a. Labour regulations:** Relevant federal and provincial labour and related laws should be reviewed by a law reforms commission and amended to: (i) bring them into line with modern standards on employment, compensation and human resource development, including standard contracts and in-house professionalism trainings; (ii) embrace the post-18th Amendment devolution framework (both federal and provincial legislation); and (iii) extend them to print, electronic and online media.
- **3b. Protection of sources:** The law of evidence should be reviewed and provisions on source protection for journalists should be introduced into this body of law in line with international law and best practices.
- **3c. Protection of whistleblowers:** A whistleblower protection law should be adopted which provides protection against sanction for those who expose wrongdoing.
- **3d. Prosecuting attacks:** Special rules should be put in place – of both a legal and policy nature – which provide for the establishment of special prosecutorial offices in Islamabad and the four provincial capitals to investigate cases of attacks against journalists and media houses, to institute legal cases against those responsible and to expedite prosecution. These offices should benefit from guaranteed adequate annual budgets for the prosecutors.

- **3e. Safety efforts by the media:** Media houses should have defined safety policies for all media practitioners that offer: (i) specialised training (e.g., conflict sensitive journalism), including physical and digital security training, and access to appropriate security equipment; (ii) an administrative threat response and security alert mechanism providing liaison and coordination between representative platforms of media practitioners and local security authorities; and (iii) systems to provide adequate support to media practitioners most at risk, including emotional well-being care, insurance and compensation schemes.
- **3f. Accreditation:** A policy should be adopted which provides for clear, fair and uniform system of accreditation for journalists across Pakistan.

Chapter 4. PRINT MEDIA REGULATIONS

The print media sector remains a thriving business in Pakistan, unlike in many developed countries, but it faces headwinds in the form of repressive rules for the sector. It is recognised under international law that there should be no licensing of the print media and that any registration rules should involve no discretion to refuse registration. In Pakistan, however, the system of registration, declarations and renewals, while formally technical in nature, in fact amounts to an informal licensing system, in particular through the powers relating to content.

The special content standards imposed on the print media, and the systems for enforcing them, can only be described as draconian in nature. Many of the specific rules are found in press-specific legislation while others, such as those in the Penal Code, are more general in their application. Far too many of these rules are broad and vague in nature and some are simply illegitimate in terms of their subject matter, according to international law. Of particular concern is the fact that the rules grant the executive extensive powers to investigate, search, seize and destroy publications for breach of these rules, without judicial oversight or authorisation. The executive also has extensive powers over foreign publications.

These content problems are exacerbated by the fact that there is no proper complaints system for the print media. Formally, there is a statutory press council with the power to hear complaints and to enforce remedies. In practice, however, this body is not functional and has failed to serve its intended purpose. In addition, according to the law, it lacks the requisite independence for such a body. A number of individual media outlets have drafted codes of conduct for internal purposes and there have been some industry-wide efforts to this end as well, but no effective self-regulatory system exists in practice.

In terms of ownership, the law gives the government broad discretion and control over foreign investment. No foreign ownership is allowed without government approval and, even in that case, it is limited to 25 percent. In contrast to this, there are no rules prohibiting undue concentration of local ownership.

Recommendations:

- **4a. Registration:** The registration regime of print publications should be drastically simplified to the following principles: (i) the system of declarations should be done away with. Registration should be transformed into a purely technical process requiring no permission and no executive discretion to refuse registration; and (ii) the system should be overseen by the general registrar of companies. At a minimum, the executive should not exercise any regulatory power over the media and any body that does should be protected against political interference.
- **4b. Content:** All laws which impose restrictions on the content of what may be published should be reviewed and amended to bring them into line with international standards.
- **4c. Complaints:** A national dialogue with key stakeholders should be held to reform the system of complaints so as to create an appropriate and effective mechanism (whether self-regulatory or co-regulatory nature). This new mechanism should include a central code of conduct to be developed for and endorsed by the media sector.
- **4d. Concentration of ownership:** The rules should be reviewed and amended so as to provide for a realistic system for preventing undue concentration of media ownership and undue foreign ownership while allowing for investment in and growth of the sector.

Chapter 5. PRIVATE SECTOR BROADCASTING

The broadcasting sector has witnessed exponential growth in Pakistan over the last decade, following a policy of liberalisation in the early 2000s, prior to which the sector was a government monopoly. Despite this very positive development, a number of profound problems remain in terms of the manner in which the sector is regulated.

Although international law recognises that broadcasters, unlike their print media counterparts, may be subject to a licensing regime, an important condition is that the regulator should enjoy robust protection against interference from government and from the sector itself. The local regulator, the Pakistan Electronic Media Regulatory Authority (PEMRA), signally lacks the independence required of it, in terms of its members, all of which are appointed by the President, in terms of policy, where it is required to follow directives from the government, and in operational terms, where it is in practice subject to directions from the Ministry of Information and Broadcasting and the Ministry of the Interior.

Despite the ‘liberalisation’ of the sector, the terrestrial airwaves remain the exclusive domain of the State, with private broadcasters being limited to satellite and other (for example online) distribution systems. This has resulted in uneven and sub-optimal development of the sector. It has also, so far, prevented the emergence of a proper policy on the digital transition, which has the potential to generate significant dividends in terms of broadcasting.

The lack of independence of PEMRA has led to political interference in the licensing process, although this is otherwise formally reasonably fair from a procedural perspective. However, there has been an almost total failure to take advantage of the possibilities provided through the licensing system to promote diversity in the media. At one level, this is characterised by the absence of any system for licensing community broadcasters, a significant weakness of the Pakistani broadcasting ecology. At the same time, and unlike for the print media sector, the rules do include provisions on undue concentration of ownership, as well as of cross-ownership with the print media sector. However, the rules on foreign ownership are unduly rigid and, in practice, the rules have failed to prevent the emergence of concentrated ownership structures.

In terms of content, PEMRA exercises vast powers, including to impose large fines on and even to shut down broadcasters, which it has at least on some occasions exercised in a blatantly political manner. Some of the specific content rules are very broad, vague and intrusive in nature, for example banning material which is “against the ideology of Pakistan”. This is all the more serious given the lack of independence of PEMRA. The rules also give the government the power to allocate 10 percent of the airtime of networks, which is open to abuse and which has not been used for public benefit.

Recommendations:

- **5a. Independence:** The structure and membership of PEMRA should be substantially revised so that it is structurally and functionally independent of the executive as well as of commercial media outlets (with representation of key stakeholders and professionals, and including gender and minority group representation), including, among other things, by putting it under parliamentary oversight.
- **5b. Digital switchover:** The process of switching over to digital broadcasting should be continued with the support of an appropriate legal and policy environment, and the airwaves

continued with the support of an appropriate legal and policy environment, and the airwaves should be opened up to private broadcasters.

- **5c. Content rules:** The rules on content should be reviewed and amended so as to bring them into line with international standards in this area, including by removing vague and unduly intrusive restrictions. The possibility of a co-regulatory system for content-related complaints should be explored.
- **5d. Media concentration:** Clear and specific anti-competition or undue concentration of media ownership rules should be developed, including in relation to foreign ownership of the media.
- **5e. Public interest access:** The power of the government to provide for the allocation of 10% of the total air time of networks should be done away with and instead this time should be allocated to community interest groups representing marginalised segments of society (such as children, women, minorities, persons with disabilities, etc.).
- **5f. Diversity and community broadcasting:** The rules regarding licensing should be reviewed to ensure that appropriate safeguards are included to promote media diversity. As part of this, the rules should provide for a system for licensing community broadcasters, in particular community radios, and to ensure an equitable reservation of frequency for this broadcasting sector.

Chapter 6. PUBLIC SECTOR BROADCASTING

There are a plethora of public sector media in Pakistan, including the Pakistan Broadcasting Corporation (PBC), Pakistan Television (PTV), Shalimar Recording and Broadcasting Company (SRBC) and Associated Press of Pakistan (APP). Despite their different legal forms – PBC and APP are statutory bodies while PTV and SRBC are public limited companies – all of these bodies are under firm government ownership and control, including editorial control. This flows from the fact that the government controls both the statutory bodies and, as sole shareholder, the public companies. For PBC, for example, many of the members of the board are officials (the Chair is the Secretary of the Ministry of Information) and the government appoints the other members. Furthermore, PBC is specifically required to follow the instructions of the government. As with broadcast regulators, international standards make it very clear that independence, especially from government, is essential.

Another problem, which exacerbates the problem of government control over these bodies, is the fact that they have very limited mandates to operate in the public interest. The legislation establishing PBC, for example, sets out its mandate in only the most general terms, while PTV, as a public company, does not have a clear mandate defined for it. Having a clear, detailed mandate can help counteract government control and can also ensure that these bodies do serve specified public interests. The mandate should, among other things, ensure that these bodies serve to promote diversity in the airwaves in various ways, including by giving a voice to the views and perspectives of all sectors of society, including those who are overlooked by the commercial media.

In the area of funding, the State broadcasters benefit from significant allocations of public funding. However, this is not provided in ways which are protected against interference or control, further exacerbating the problem of government influence. In addition, funding allocations are largely at the discretion of the government, creating instability for these broadcasters.

Finally, these broadcasters are not subject to any systems of accountability directly to the people, again contrary to international standards. Thus, the audience councils and parliamentary reporting systems that are in place in some countries are absent in Pakistan. The result is that government is, once again, the only reporting framework for these broadcasters.

Recommendations:

- **6a. Independence:** All public sector media should be regulated by a law which is guided by best practice principles regarding public service broadcasting. The law should effectively protect public sector media from government control and guarantee their editorial independence by ensuring that oversight is undertaken by parliament.
- **6b. Mandate:** The mandates of all public sector media should be set out in clear, concise language in law, based on principles of public service media. There should be guaranteed compliance with these mandates and principles.
- **6c. Funding:** Funding and budget of all public sector media should be delinked from administrative and editorial controls, while arbitrary withdrawal or reduction in funding should be prohibited.

- 6d. **Accountability:** All public sector media should have uniform, effective mechanisms of transparency and accountability, including mandatory annual reporting to the parliament and audits of their accounts by independent, approved auditors. Independent advisory councils should be established for these public sector media to provide direct audience feedback, and complaints systems established to deal with public complaints.
- 6e. **Pluralism:** A uniform policy for all public sector media should be drafted and adopted guaranteeing accommodation of pluralism including the allocation of a specified percentage of airtime and space for community interest groups representing marginalised segments of society (such as children, women, minorities, persons with disabilities, etc.).

Chapter 7. MEDIA CONTENT REGULATIONS

The issue of regulation of content somehow lies at the heart of the whole issue of regulation of the media, and it has already been mentioned in several of the previous chapters. As noted above, international law sets out a clear and strict three-part test to assess the legitimacy of content restrictions, including that they be necessary to protect a legitimate interest which is recognised under international law.

It is beyond the scope of this Charter to delve into a detailed analysis of all of the various content restrictions in Pakistani law, and readers who are interested in this issue should look to the Compendium for a more in-depth discussion. However, it may be noted that there are numerous restrictions on content in various Pakistani laws, many of which would not pass muster under the international test for such restrictions. These include restrictions which purport to protect the judicial process, national security, the reputations of others (defamation laws), the equality of others (hate speech laws), religion (blasphemy laws), public safety, and the reputation of judges and the courts (contempt of court laws). Together, these laws represent a vast system of control over free speech which cannot begin to be justified by reference to either the Constitution or international law. Due to the regularity and extent of their abuse, the contempt of court laws are singled out for particular attention here.

Recommendations:

- **7a. Censorship:** A wide-ranging review of all content restrictions in different laws should be conducted and these restrictions should be repealed or amended, as necessary, to bring them into line with international standards.
- **7b. Contempt of court:** The contempt laws should be reviewed to remove arbitrariness in favour of free speech.

Chapter 8. MEDIA INTERMEDIARIES – TELECOM and INTERNET

The regulation of telecommunications, including the Internet, in Pakistan falls essentially within the remit of the Pakistan Telecommunication Authority (PTA), but the rules create overlapping and sometimes confusing jurisdictional issues between PTA and PEMRA, given the reliance of broadcasters on telecommunications systems for distribution. This generates regulatory confusion and sometimes dual responsibility of broadcasters to two regulators.

Like PEMRA and the State media, PTA lacks independence from government. In particular, all of its three members are appointed by government. They are subject to conflict of interest rules, but not to rules prohibiting political ties. While political control is less sensitive for telecommunications than for broadcasting, it remains a matter of concern. Furthermore, States around the world have moved towards independent regulation of telecommunications to promote fair competition and strong growth in the sector. In addition, in Pakistan executive actors retain undue powers to interfere directly in the sector.

The PTA exercises a number of powers over telecommunications providers which, at least as they are applied in practice, are problematical. Several laws authorise surveillance, interception and filtering of communications and/or content in ways that fail to respect international standards. This has emerged as a key battleground between States and human rights campaigners in countries around the world. However, as many States look to revise their laws and practices in this area, Pakistan is falling further behind.

Many modern technologies are dual purpose in nature and while on the one hand they can be used for legitimate purposes, on the other hand they can be abused, including by the authorities and security authorities, to unlawfully spy on citizens and filter content in violation of fundamental rights. There are no rules in the Pakistani legal framework which address this problem.

A number of legal provisions, including the recently adopted Prevention of Electronic Crimes (PEC) Act 2016 but also the PTA Act, provide for unwarranted restrictions on online content, often defined in vague terms and applied on an essentially discretionary basis, by both regulators and the authorities. This is exacerbated by the centralised control over access to the Internet that runs through the PTA. This led to Pakistan being one of the only democratic countries in the world to block entirely access for its citizens and residents to YouTube for a period of some five years, due to the hosting on YouTube of the private film, the Innocence of Muslims, which was deemed by the Supreme Court to be blasphemous.

Several of the problems noted above are exacerbated by the fact that one actor, the Pakistan Internet Exchange (PIE), acts as a clearinghouse for all telecommunication traffic, vesting a dangerous level of control in one player. This problem is further exacerbated by the fact that a private company, Pakistan Telecom Co Ltd (PTCL), controls PIE, creating a risk of abuse of a dominant position.

Recommendations:

- **8a. Jurisdiction:** The roles and responsibilities of both regulators should be re-examined to clarify regulatory boundaries and duties, while ensuring freedom of expression, right to information, right to privacy and data protection.
- **8b. Protections:** All laws in Pakistan authorizing surveillance, interception and filtering of communications / content should be amended to ensure they are not in contravention of fundamental rights enshrined in the constitution.
- **8c. Autonomy:** The PTA Act should be amended to provide strong protections against executive interference in the work of PTA, leaving all regulatory functions in the hands of the regulator alone.
- **8d. Misuse of technology:** The sale of dual purpose technologies that can be maliciously used for surveillance and filtering by end users should be regulated against unlawful use.
- **8e. Digital rights:** All such laws, including the proposed PEC Act, should be restricted in scope to electronic/cybercrimes and security of information infrastructure and should not adversely impact RTI. Their application should be subject to judicial oversight instead of executive fiat. Laws should be enacted to provide for the establishment of privacy commissions to protect privacy rights and data protection.
- **8f. Online censorship:** All laws, including PTA Act, should disallow any blocking of websites except in accordance with a court order issued pursuant to a legitimate law in line with international standards.
- **8g. Fair competition:** The role of PIE as a central clearinghouse for all telecom traffic should be abolished. Control over central clearinghouse functions should be vested in an independent PTA rather than PTCL.

Chapter 9. ACCESS TO INFORMATION

The right to access information held by public authorities, or the right to information, is recognised under international law, as well as the Constitution of Pakistan, as a fundamental human right. The addition of Article 19A through an amendment to the Constitution in 2010 was a very welcome development, as it essentially means that laws giving effect to this right can be seen as implementing the constitutional provision.

Pakistan was the first country in South Asia to adopt a right to information law when it adopted its Freedom of Information Ordinance in 2002. However, the law is by any measure an extremely weak instrument for guaranteeing this right. According to the respected RTI Rating (www.RTI-Rating.org), the law earns only 66 points out of a possible total of 150, and sits in 89th position globally from among 111 countries on the Rating, by far the lowest position of any country in South Asia.

Balochistan and Sindh provinces essentially adopted carbon copies of the federal legislation, meaning that their laws suffer from the same weaknesses. Furthermore, neither the Federally Administered Tribal Areas nor the Provincially Administered Tribal Areas of (FATA/PATA), Azad Kashmir (AJK) and Gilgit-Baltistan have put in place legal frameworks for the right to information.

In stark contrast to the picture elsewhere in the country, however, Khyber Pakhtunkhwa and Punjab provinces have adopted very strong right to information laws, which put them in the top range of all such laws globally (again according to the RTI Rating). This demonstrates clearly that this is possible in Pakistan and provides a model for the other jurisdictions in the country to follow.

Another challenge in Pakistan is the fact that there are a number of secrecy laws, including the Official Secrets Act, 1923, which include extremely wide-ranging and flexible rules on secrecy. This is always an issue, but it is more serious in Pakistan given that these rules continue to apply pursuant to the federal right to information law (i.e. the secrets they establish are recognised under that law).

A final challenge is that, apart from the laws of Khyber Pakhtunkhwa and Punjab provinces, the right to information laws in Pakistan do not create proactive publication obligations for public authorities. The extent of proactive publication has also been limited in practice. Proactive publication is both the most efficient and the most widespread means of getting information to the public, and it has been expanded rapidly in many countries. The challenge of proactive publication in Pakistan is exacerbated by the relatively low level of digitisation of public records, which is effectively a precondition to the most effective means of proactive disclosure, i.e. via the Internet.

Recommendations:

- **9a. Federal-level RTI:** The law at the federal level should be replaced with a proper RTI law in line with Article 19A of the Constitution and international standards.
- **9b. Provincial-level RTI:** The FOI laws in Balochistan and Sindh provinces should be replaced with proper RTI laws in line with Article 19A of the Constitution and international standards.
- **9c. Other regional level-RTI:** Proper RTI laws should be enacted in line with Article 19A of the Constitution and international standards.

- 9d. **Secrecy Laws:** Secrecy laws should be reviewed and amended to bring them into line with the standards in the new transparency laws and international standards in this area.
- 9e. **Digitisation and proactive disclosure:** Public bodies in all territories of Pakistan should allocate more resources to the digitisation of records while central authorities should adopt clear policies in this area and also provide support to public bodies to achieve this task. Territories in Pakistan other than Khyber Pakhtunkhwa and Punjab should incorporate provisions on proactive disclosure into their RTI laws.

ANNEXURE I: LAWS, RULES, REGULATIONS AND JUDICIAL DECISIONS

Print Media

Acts & Ordinances

- Associated Press of Pakistan Ordinance, 2002
- The Press Council of Pakistan Ordinance, 2002 (XCVII of 2002)
- The Press, Newspaper, News Agencies and Books Registration Ordinance, 2002
- Registration of Printing Presses and Publications Ordinance, 1997 (XLVIII)
- The National Press Trust (Appointment of Chairman) Ordinance, 1972 (XXIX)
- Newsprint Control Ordinance, 1971, (XI)
- Working Journalists (Conditions of Service) Ordinance, 1960 (XVI)
- Newspaper Employees (Conditions of Services) Act, 1973 (Act LVIII of 1973)
- Working Journalists (Conditions of Services) Ordinance, 1960 (Ordinance XVI of 1960)
- West Pakistan Press and Publications Ordinance, 1963 (XXX)
- The Associated Press of Pakistan (Taking Over) Ordinance, 1961 (XX)
- Press (Emergency Powers) (Amendment) Act, 1950
- Press and Registration of Books (Amendment) Act, 1952 (XXX of 1952)
- Press (Emergency Powers) Act, 1931
- Press and Registration of Books Act, 1867.

Rules & Regulations

- Working Journalists (Wage Board) Rules, 1960
- Press/Newspapers, News Agencies and Books Registration Rules, 2009
- Press Code of Ethics 1997
- West Pakistan Press and Publications (References to Session Judges) Rules, 1960
- West Pakistan Press and Publications (Scrutiny) Rules, 1960.

Electronic Media

Acts/Organisations

- Pakistan Electronic Media Regulatory Authority Ordinance, 2002

- Electronic Media Regulatory Authority Ordinance, 1997
- Regulatory Authority for Media Broadcast Organizations, 2000

Rules

- Pakistan Electronic Media Regulatory Authority Rules 2009
- Pakistan Electronic Media Regulatory Authority (Council of Complaints) Rules, 2010
- Electronic Media (Programmes and Advertisements) Code of Conduct, 2015
- The Television Receiving Apparatus (Possession and Licensing) Rules, 1970.
- Pakistan Television Corporation Limited Employees Service Rule 1978
- Pakistan Television Corporation Employees Service Rules 1977

Regulations

- Pakistan Electronic Media Regulatory Authority (Content) Regulations 2012
- PEMRA (Television Broadcast Station Operations) Regulations, 2012
- Pakistan Electronic Media Regulatory Authority (Television Broadcast Operations) Regulations, 2012
- Pakistan Electronic Media Regulatory Authority (Radio Broadcast Station Operations) Regulations 2012
- Pakistan Electronic Media Regulatory Authority (Distribution Service Operations) Regulations 2011
- PEMRA (Appeal and Review) Regulations 2008 (Repealed)
- Pakistan Electronic Media Regulatory Authority (Media Ownership and Control) Regulations, 2002
- Pakistan Electronic Media Regulatory Authority (TV/Radio Broadcast Operations) Regulations, 2002
- Pakistan Electronic Media Regulatory Authority Cable Television (Operations) Regulations, 2002
- Pakistan Electronic Media Regulatory Authority (Council of Complaints, Organization and Functions) Regulations, 2002
- Standards for the Cable Television Regulations 2003.

Standards

- Terms & Conditions of the Licence to Establish & Operate FM Radio Broadcast Station
- Terms & Conditions of the Licence to Establish & Operate FM Radio Broadcast Station (Specialized Subject Station)
- Multi-channel multi-point distribution service (MMDS) Technical Standards
- Terms & Conditions of the Licence to Establish & Operate International Scale Satellite Television Broadcast Station
- Television Receiving Apparatus (Possession and Licensing) Rules 1970.

Telecommunication and Cyber Laws

Acts & Ordinances

- Pakistan Telecommunication (Re-Organization) Act, 1996 (with 2006 amendments) (Act XII of 1996)
- AJK Adaptation of Pakistan Telecom Re-Organization Act 2005
- Gilgit Baltistan Adaptation Order 2006
- Telecommunication Ordinance, 1994 (Ordinance LI of 1994)
- Pakistan Telecommunication Corporation Act, 1991 (Act XVIII of 1991)
- Pakistan Telecommunication Corporation Ordinance, 1991 (Ordinance XXVII of 1991)
- Pakistan Telecommunication Corporation Service Regulations 1994
- Wireless Telegraphy (Amendment) Ordinance, 1970, (Ordinance X of 1970)
- Post and Telegraph (Amendment) Act, 1962 (Act V of 1962)
- Telegraph (Amendment) Act, 1950 (Act LXXVII of 1950)
- The Wireless Telegraphy Act, 1993 (Act of XVII of 1993)
- Telegraph Act, 1885 (Act of XII of 1885)
- The Electronic Transaction Ordinance, 2002.
- The Cyber Crimes Bill, 2009
- The Prevention of Electronic Crimes Ordinance, 2009
- The Prevention of Electronic Crimes act, 2016

Rules

Pakistan Telecom Rules, 2000

Access Promotion Contribution Rules, 2004 USF Rules, 2006

- Pakistan Telecommunication Rules 2000
- PTA Chairman and Member (Appointment and Qualifications) Rules 2013
- Pakistan Telecommunication Company Limited Service Regulations 1996
- National Radio and Telecommunication Corporation Employees Service Rules 2005
- Pakistan Telecommunication Authority (Functions and Powers) Regulations 2004

Regulations

- Broadband Quality of Service Regulations, 2014
- Telecom Consumer Protection Regulations 2009
- Telecom Consumers Protection (Amendment) Regulations, 2012
- Subscriber Antecedents Verification (2nd Amendment) Regulations, 2012
- Cellular Mobile Network Quality of Service (Amendment) Regulations, 2012
- Pakistan Telecommunication Authority (Functions & Powers) (Amendment) Regulations, 2012
- Telecommunication and Terminal Equipment Installer Regulations, 2012
- Subscribers Antecedents Verification (Amendment) Regulations, 2012
- Mobile Virtual Network Operation (MVNO) Regulations, 2012
- Telecom Consumer Protection (Amendment) Regulations, 2011
- Numbering Allocation and Administration Regulations, 2011
- Cellular Mobile Quality of Service Regulations, 2011
- Access Promotion Regulations, 2005
- Access Promotion Regulations, 2005 Amendments
- Subscribers Antecedents Verification Regulations, 2010
- GPRS/EDGE Service Quality of Service Standards Regulations, 2010
(Telecommunication System Clock)
- Telecom Consumers Protection (Amendment) Regulations, 2010 Amendment in
Class Licensing and Registration Regulations
- Monitoring and Reconciliation of Telephony Traffic Regulations, 2010
- Interconnection Dispute Resolution (Amendment) Regulations, 2010

- Protection from SPAM, Unsolicited fraudulent and obnoxious communication Regulations 2009
- Telecom Consumer Protection Regulations 2009
- Protection from Health Related Effects of Radio Base Station Antenna Regulations 2008
- Monitoring and Reconciliation of International Telephony Traffic Regulations 2008
- Amendments - PTA (Functions & Powers), Regulations 2006
- Amendments - Class Licensing and Registration Regulations 2007
- Wireless Receiving Apparatus (Licensing) Rules, 1957 (Posts and Telegraphs).

General Laws

- The Punjab Transparency and Right to Information Act, 2013
- The Khyber Pakhtunkhwa Right to Information Act, 2013
- Contempt of Court Ordinance, 2003
- Freedom of Information Ordinance, 2002
- The Freedom of Information Rules, 2004
- The Balochistan Freedom of Information Act, 2005
- The Balochistan Freedom of Information Rules, 2007
- The Sindh Freedom of Information Act, 2006
- Defamation Ordinance, 2002
- Defamation (Amendment) Act, 2004
- Copyright (Amendment) Ordinance, 2000
- Pakistan Intellectual Property Rights Organization Ordinance, 2005
- Federal Supervision of Curricula, Text-Books and Maintenance of Standards of Education Act, 1976 (Act X of 1976)
- Foreign Cultural Associations (Regulation of Functioning) Act, 1975 (Act LXXIX of 1975)
- Prevention of Anti-National Activities Act, 1974 (Act VII of 1974)
- Contempt of Court Act, 1973
- The Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 1970 (V)

- The Competition Commission Act, 2010
- Customs Act, 1969
- West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1963 (IX)
- Indecent Advertisements Prohibition Act, 1963
- West Pakistan Maintenance of Public Order Ordinance, 1960 (XXXI)
- Pakistan Penal Code 1960 (Sections 295 – 298 and Sedition Laws 121a, 123a)
- West Pakistan Entertainments Duty Act, 1958 (Act X of 1958)
- Security of Pakistan Act, 1952
- Press Emergency Powers (Amendment) Act, 1950 (Act LXXII of 1950)
- Foreign Relations Act, 1939
- Official Secrets Act, 1923 (XIX)
- Post Office Act, 1898.

Relevant Provisions of Other Laws

Constitution of Pakistan

Article 19 & 19(A) – Freedom of Expression & Right to information

Article 159 – Broadcasting and telecasting

Article 204 – Contempt of Court

Article 233 – Power to suspend Fundamental Rights, etc. during emergency period.

Pakistan Penal Code

Section	Offense
124-A	Sedition
153-A	Promoting enmity between different groups, etc.
153-B	Inducing students, etc. to take part in political activity
292	Sale, etc. of obscene books
293	Sale, etc. of obscene objects to young person
295, 295-A to C	Offences relating to religion and willful desecration of places of worships, Holy Books of different religions, damage or defilement of the copy of the Holy Qur'an or extract thereof, or its derogatory use or unlawful purpose, derogatory remarks against the Holy Prophet of Islam.
298	Uttering words with deliberate intent to wound religious feelings;
298-A	Derogatory remarks in respect of holy personages
298-B	Misuse of epithets, descriptions and titles reserved for certain holy personages or places
298-C	Quaidiani calling himself a Muslim
463 to 489-E	Offences relating to documents and to trade or property marks
499 to 502	Defamation
505	Statements conducting to public mischief.

Code of Criminal Procedure

Section

Offense

99-A

Power to declare certain publications forfeited and to issue search-warrants for the same

99-B

Opportunity for application to High Court to set aside order of forfeiture.

Jurisprudence: case law

Below is a brief outline of just a few important cases in our jurisdiction relating to and affecting media.

Political Fairness & Neutrality

PLD 1997 Lahore 852

Court held that news corporations are to allocate equal airtime and space and usage to all political parties.

Tamseel Javed vs. Federation of Pakistan, 1984

Federal Shariat Court held that it is an Islamic duty of journalists to verify factual veracity of their statements.

NLR 1991 Civil 46

News corporations were held to be public functionaries expected to act, in a fiduciary relation with public, with fair, impartial and equitable treatment under Article 4 of the Constitution.

Defamation

1984 CLC 325

Prohibiting journalists against defamation and criminal prosecution causing loss to good reputation for honesty, integrity and efficiency

PLD 1990 Lahore 171 Ibid

1995 CLC 1246

Court held news reporter to be guilty of defaming the plaintiff for using “hard, oppressive, detrimental [language which] could cause damage to the reputation and integrity of the plaintiff.”

Printing

PLD 1963 Provincial Statutes 300

On press and publication.

PLD 1963 Provincial Statutes 351

Administrative regulations and requirements of registration and set up of press organizations.

PLD 1988 Central Statutes 113

Ibid.

PLD 1989 Central Statutes 120

Ibid.

PLD 1960 Central Statutes 189

Regulation of working conditions and terms of services of journalists.

PLD 1956 Central Statutes 228

Regulation of necessary commodities.

Broadcasting

PLD 1973 Central Statutes 288

Enlisting detailed guidelines for the broadcasting corporations.

PLD 1979 Central Statutes 290

On Section 22 of Pakistan Broadcasting Corporation (PBC) Ordinance, 1979.

PLD 1993 Central Statutes 435

Officers transfers to PBC ceased to be civil servants and became employees of the corporation.

Miscellaneous Media Laws

PLD 1979 Central Statutes 56	Offence of <i>qazf</i> relating to propagation through media of the offence
PLD 1981 Central Statutes 278	Closure of cinemas, theatres and similar establishments during month of Ramazan
PLD 1974 Central Statutes 151	Prevention of anti-national activities
PLD 1977 Central Statutes 18	Content of contempt of court offence
PLD 1975 SC 383	Ibid
PLD 1990 Central Statutes 20	Propagation of law reports and materials
PLD 1951 Central Statutes 48	Press emergency powers scope
PLD 1976 Central Statutes 247	Extent of Federal oversight of educational material
PLD 1970 Central Statutes 184	Measures against monopolies and trade restrictive practices
PLD 1976 Central Statutes 43	Prohibition of political propaganda by foreign associations
PLD 1975 Central Statutes 9	Barring establishment or operation of political parties with anti-national motives.

ANNEXURE II: THE MEDIA REFORMS AGENDA EXPERTS COMMITTEE

(alphabetical order)

1. Mr. Abid Saqi, Member Pakistan Bar Council
2. Mr. Adnan Rehmat, media development expert
3. Mr. Muhammad Aftab Alam, media law and policy expert
4. Mr. Amir Rana, Executive Director, Pak Institute for Peace Studies (PIPS)
5. Mr. Amjad Bhatti, development and communications expert
6. Mr. Muhammad Anwar, Executive Director, Centre for Governance and Public Accountability (CGPA)
7. Mr. Muhammad Badar Alam, Editor Herald
8. Mr. Ghazi Salahuddin, senior journalist, social commentator and rights activist
9. Ms. Gulmina Bilal Ahmad, Executive Director Individualland
10. Mr. Haroon Rashid, Senior Journalist, Editor BBC Urdu Pakistan
11. Mr. Iqbal Khattak, National Coordinator on Media Safety
12. Mr. Khalid Ishaq, legal expert and policy analyst
13. Mr. Mazhar Arif, Executive Director, Society for Alternative Media and Research (SAMAR)
14. Mr. Mukhtar Ahmad Ali, Information Commissioner Punjab Information
15. Mr. Najam U Din, Human Right Commission of Pakistan (HRCP)
16. Ms. Nighat Dad, Executive Director, Digital Rights Foundation
17. Mr. Saroop Ijaz, Country Representative, Human Rights Watch (HRW)
18. Ms. Shabana Arif, gender and media development expert
19. Mr. Zahid Abdullah, Coordinator, Coalition on Right to Information (CRTI) and Programme Manager, Centre for Peace and Development Initiative (CPDI)
20. Mr. Muhammad Ziauddin, senior journalist and analyst

International Experts

1. Dr. Ranga Kalansooriya, international media policy and development expert
2. Mr. Toby Mendel, Executive Director, Centre for Law and Democracy (CLD)

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